

Office of  
The City Attorney  
City of San Diego

MEMORANDUM  
MS 59

(619) 533-5800

**DATE:** October 21, 2008  
**TO:** Sabrina Curtin, Docket Coordinator  
**FROM:** Keith Phillips, Deputy City Attorney  
**SUBJECT:** *Linda Woodbury v. City of San Diego*

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Attached please find Resolution R-2009-348 setting forth the approval of the City Council in Closed Session on September 23, 2008. The vote taken in Open Session shall be the official vote.

Pursuant to the requirements, it is appropriate for this Resolution to be placed on the next available Council docket for Council adoption confirming the Council's action in Closed Session. It is therefore requested that it be calendared for the next available docket.

Attachment

001365

# REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE ONLY)

2900289

120  
11/18TO:  
CITY ATTORNEY2. FROM (ORIGINATING DEPARTMENT):  
CITY ATTORNEY

September 24, 2008

## 4. SUBJECT:

**SETTLEMENT OF PERSONNEL CLAIM OF LINDA WOODBURY**  
**RISK MANAGEMENT FILE #: LX07-0058-2095**

## 5. PRIMARY CONTACT (NAME, PHONE &amp; MAIL STA.)

Keith Phillips (619) 236-6695 MS-59

## 6. SECONDARY CONTACT (NAME, PHONE &amp; MAIL STA.)

Janice Ellis (619) 236-7705 MS-51B

7. CHECK BOX IF REPORT TO  
COUNCIL IS ATTACHED ☐

## 8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	81140		
DEPT.	81140		
ORGANIZATION	3501		
OBJECT ACCOUNT	4823		
JOB ORDER	081141		
C.I.P. NUMBER			
AMOUNT	\$450,000.00		

## 9. ADDITIONAL INFORMATION / ESTIMATED COST:

\$450,000 - Total Settlement

## 10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	9/25/08	8	DEPUTY CHIEF		
2	RISK MANGEMENT	<i>[Signature]</i>	9-25-08	9	CFO	<i>[Signature]</i>	10/20/08
3	COMPTROLLER	<i>[Signature]</i>	10/9/08	10	CITY ATTORNEY		
4	LIAISON OFFICE	<i>[Signature]</i>	9/30/08	11	ORIGINATING DEPARTMENT	<i>[Signature]</i>	9/25/08
5	FINANCIAL MANAGEMENT	<i>[Signature]</i>	10/7/08		DOCKET COORD:	COUNCIL LIAISON: <i>[Signature]</i>	11/4/08
6					COUNCIL PRESIDENT <i>[Signature]</i>	<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					<input type="checkbox"/> REFER TO:	COUNCIL DATE: 11/18/08	

## 11. PREPARATION OF:

☒ RESOLUTION(S)☐ ORDINANCE(S)☐ AGREEMENT(S)☐ DEED(S)

1. Authorizing the Mayor to pay the sum of \$450,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personnel Claim of LINDA WOODBURY.
2. Authorizing the City Comptroller to issue one check in the amount of \$450,000.00 payable to LINDA WOODBURY AND HER ATTORNEY OF RECORD JOSHUA GRUENBERG.
3. Authorizing the expenditure of \$450,000.00 from the Public Liability Fund 81140.

## 11A. STAFF RECOMMENDATIONS:

Approve the resolution

## 12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): N/A

COMMUNITY AREA(S): NONE

ENVIRONMENTAL IMPACT: NONE

HOUSING IMPACT: This activity is not a project and therefore exempt from CEQA pursuant to the State Guidelines Section 15060(c) (3).

OTHER ISSUES: NONE

001367

**EXECUTIVE SUMMARY SHEET**  
CITY OF SAN DIEGO

DATE ISSUED: September 24, 2008  
ATTENTION: Council President and City Council  
ORIGINATING DEPARTMENT: City Attorney  
SUBJECT: Settlement of Personnel Claim of LINDA WOODBURY  
City File #: LX07-0058-2095  
COUNCIL DISTRICT(S): N/A  
CONTACT/PHONE NUMBER: Keith Phillips (619) 236-6695

REQUESTED ACTION: Authorizing the Mayor to pay the sum of \$450,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personnel Claim of LINDA WOODBURY.

STAFF RECOMMENDATION: Approve the resolution.

EXECUTIVE SUMMARY: The proposed settlement would resolve all claims arising from the Personnel Claim of LINDA WOODBURY.

FISCAL CONSIDERATIONS: Settlement will be paid from the Public Liability Fund. *in the amount of \$450K, (Fund 81140).*

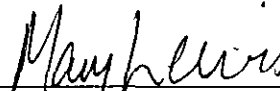
PREVIOUS COUNCIL and/or COMMITTEE ACTION: This item was considered in closed session on September 23<sup>rd</sup>, 2008 the City Council approved the settlement amount of \$450,000.00. City Council voted 6 to 0 with two members absent to approve. The motion was made by Councilmember Maienschein with a second by Councilmember Young. Council President Peters and Councilmember Faulkner were absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

  
\_\_\_\_\_

Originating Department

  
\_\_\_\_\_

Chief Financial Officer

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

001569

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

AC 2900289

DEPT. NO.: 045

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE ☐

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$450,000.00

Vendor: Linda Woodbury and her Attorney of Record Joshua Gruenberg

Purpose: Authorize the Mayor to pay the sum of \$450,000 in settlement of each and every claim against the City, its agents and employees, resulting from the Personnel Claim of Linda Woodbury. Authorize the City Comptroller to expend and issue one check to the above vendor from the Public Liability Fund (81140)

Date: October 9, 2008 By:  10/9/08

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	81140	81140	3501	4823	081141				\$450,000.00
TOTAL AMOUNT										\$450,000.00

FUND OVERRIDE ☐

AC 2900289

001371

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN  
LINDA WOODBURY AND THE CITY OF SAN DIEGO IN THE  
AMOUNT OF FOUR HUNDRED FIFTY THOUSAND DOLLARS


WHEREAS, in Closed Session on September 23, 2008, by motion of Councilmember  
Maienschein and second by Councilmember Young, the City Council, by the following Vote:  
Yeas, 6; Nays, None; Not Present, Council President Peters and Council President Pro Tem  
Madaffer, approved the following motion:

To approve the settlement agreement of each and every claim against the City of San  
Diego, its agents and employees, resulting from the personnel claim of *Linda Woodbury v. City  
of San Diego*, San Diego Superior Court Case No. 37-2007-00068277-CU-WT-CTL.

BE IT RESOLVED, that the City Auditor and Comptroller be and is hereby authorized to  
issue a check in the amount of but not exceeding \$450,000 made payable to the Law Offices of  
Larabee & Gruenberg, in trust, for the benefit of Linda Woodbury and her attorney Josh  
Gruenberg, in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that the City Council is hereby authorized to pay the  
sum of \$450,000 from the Public Liability Fund 81140.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Keith Phillips  
Deputy City Attorney

KP:my

9/19/2008  
Or.Dept: Risk  
Aud. Cert.: 2900289  
R-2009-348

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor